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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,784	01/13/2004	Nicolas Steven Huslak	9400-63 (030409)	2875
39072 7590 06/10/2008 MYERS BIGEL SIBLEY & SAJOVEC, P.A. P.O. BOX 37428 RALEIGH, NC 27627				
EXAMINER				
HASHEM, LISA				
ART UNIT		PAPER NUMBER		
2614				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/756,784

**Applicant(s)**

HUSLAK ET AL.

**Examiner**

LISA HASHEM

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-52 recite the limitation "QoS and/or bandwidth allocation". It is unclear if the claims include QoS and bandwidth allocation or one of QoS and bandwidth allocation.
3. Claims 20, 46, and 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 20, 46, and 51 recite the limitation "video and/or audio application flow". It is unclear if the claims include video and audio application flow or one of video and audio application flow.
4. Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 39 recites the limitation "RG and/or the RAN". It is unclear if the claims include RG and RAN or one of RG and RAN.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-52 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. Appl. Publ. 2005/0010638 by Richardson et al, hereinafter Richardson.

Regarding claim 1, Richardson discloses a videoconferencing method using Quality of Service (QoS) and/or bandwidth allocation in a Regional/Access Network (RAN) (Fig. 3; Fig. 8A) (section 0056-0057; 0060) that provides end-to-end transport between an Application Service Provider (ASP) (Fig. 8A, 205; videoconference server) and Customer Premises Equipment (CPE) (Fig. 8A: 802, 806) (section 0094-0103), the method comprising: receiving a request for a videoconference designating a plurality of participants (section 0095; 0200-0201; 0209); requesting a desired QoS and/or bandwidth allocation for the videoconference for the plurality of participants from the RAN using at least one Application Programming Interface (API) call responsive to the received request for a videoconference (section 0138; 0195; 0205-0206); and activating the videoconference for the plurality of participants using the desired QoS and/or bandwidth allocation (section 0103; 0205-0206).

Regarding claim 2, please see (section 0205-0206).

Regarding claim 3, please see (section 0157; 0195-0199).

Regarding claim 4, please see (section 0205-0206; 0211-0212).

Regarding claim 5, please see (section 0059; 0081-0082).

Regarding claim 6, please see (section 0055; 0065; 0069).

Regarding claim 7, please see (section 0205).

Regarding claim 8, please see (Fig. 2, 210; section 0056; 0068).

Regarding claim 9, please see (section 0117-0121).

Regarding claim 10, please see (section 0063; 0065; 0138; 0164-0166; 0186; 0207).

Regarding claim 11, please see (section 0138; 0154; 0158; 0163-0166; 0186).

Regarding claim 12, please see (section 0138; 0154; 0158; 0163-0165; 0187; 0186).

Regarding claim 13, please see (section 0164-0166; 0186; 0205-0206).

Regarding claim 14, please see (section 0101-0103).

Regarding claim 15, please see (section 0094-0099; 0201).

Regarding claim 16, please see (section 0164-0166; 0186; 0205-0206; 0211-0212).

Regarding claim 17, please see (section 0056; 0067; 0092; 0164-0166; 0186; CPN: Fig. 2, 225; RG: Fig. 2, 240; Fig. 1c, 138).

Regarding claim 18, please see (section 0142-0147).

Regarding claim 19, please see (section 0205-0206).

Regarding claim 20, please see (section 0164-0166; 0186; 0205-0206; 0211-0212).

Regarding claim 21, please see (section 0054; 0158; 0164-0166; 0186).

Regarding claim 22, please see (section 0164-0166; 0178; 0186; 0205-0206; 0211-0212).

Regarding claim 23, please see (section 0184-0186).

Regarding claim 24, please see (Fig. 1c, 136; section 0092).

Regarding claim 25, please see (section 0205-0206).

Regarding claim 26, please see (section 0164-0166; 0186; 0205-0206).

Regarding claim 27, please see (section 0060).

Regarding claim 28, please see (section 0164-0166; 0186).

Regarding claim 29, please see (section 0060; 0101-0102; 0164-0166; 0186; 0205).

Regarding claim 30, please see (section 0101-0102; 0205-0206).

Regarding claim 31, please see (section 0065; 0101-0102; 0205-0206).

Regarding claim 32, please see (section 0094-0099; 0201; 0205).

Regarding claim 33, Richardson discloses a videoconferencing method using Quality of Service (QoS) and/or bandwidth allocation in a Regional/Access Network (RAN) (Fig. 3; Fig. 8A) (section 0056-0057; 0060) that provides end-to-end transport between an Application Service Provider (ASP) (Fig. 8A, 205; videoconference server) and a Customer Premises Equipment (CPE) (Fig. 8A: 802, 806) (section 0094-0103), the method comprising:

receiving at the RAN a modify QoS and/or bandwidth allocation message for a videoconference for a plurality of participants (section 0099-0103; 0142-0147; 0164-0166; 0205-0206);

identifying the participants and at least one CPE associated with the participants (section 0205-0206);

establishing video and audio application flows for the identified participants (section 0142-0147; 0205-0206);

updating the RAN with QoS and/or bandwidth information for the established application flows

based on the received modify QoS and/or bandwidth allocation message (section 0142-0147; 0164-0166; 0205-0206); and  
sending the QoS and/or bandwidth information for the established application flows to the identified at least one CPE (section 0142-0147; 0164-0166; 0205-0206).

Regarding claim 34, please see (section 0138; 0195; 0205-0206).

Regarding claim 35, please see (section 0099-0103; 0205-0206).

Regarding claim 36, please see (section 0164-0166; 0186; 0205-0206).

Regarding claim 37, please see (section 0142-0147).

Regarding claim 38, please see (section 0164-0166; 0186; 0205-0206).

Regarding claim 39, please see (section 0056; 0067; 0092; 0164-0166; 0186; CPN: Fig. 2, 225; RG: Fig. 2, 240; Fig. 1c, 138; 0205-0206; 0211-0212).

Regarding claim 40, please see (section 0063; 0065; 0138; 0164-0166; 0186; 0207).

Regarding claim 41, please see the rejection to claim 1 above.

Regarding claim 42, please see (section 0205-0206; 0211-0212).

Regarding claim 43, please see (section 0205-0206).

Regarding claim 44, please see (section 0157; 0195-0199).

Regarding claim 45, please see (MCU: videoconference session controller; section 0205-0206).

Regarding claim 46, please see (section 0205-0206).

Regarding claim 47, please see the rejection to claim 33 above.

Regarding claim 48, please see (section 0138; 0195; 0205-0206).

Regarding claim 49, please see (section 0099-0103; 0205-0206).

Regarding claim 50, please see (section 0164-0166; 0186; 0205-0206).

Regarding claim 51, please see (section 0056; 0067; 0092; 0164-0166; 0186; 0205-0206; 0211-0212).

Regarding claim 52, Richardson discloses a videoconferencing method using Quality of Service (QoS) and/or bandwidth allocation in a Regional/Access Network (RAN) (Fig. 3; Fig. 8A) (section 0056-0057; 0060) that provides end-to-end transport between an Application Service Provider (ASP) (Fig. 8A, 205; videoconference server) and Customer Premises Equipment (CPE) (Fig. 8A: 802, 806) (section 0094-0103), the method comprising: receiving a request for a videoconference designating a plurality of participants (section 0095; 0200-0201; 0209); requesting a desired QoS and/or bandwidth allocation for the videoconference for the plurality of participants from the RAN using a messaging interface (section 0055; 0195; 0205-0206) responsive to the received request for a videoconference (section 0138; 0195; 0205-0206); and activating the videoconference for the plurality of participants using the desired QoS and/or bandwidth allocation (section 0103; 0205-0206).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

8. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-8300 (for formal communications intended for entry)



**Or call:**

(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fan Tsang/  
Supervisory Patent Examiner, Art Unit 2614

lh  
June 10, 2008